

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 469 be amended to read as follows:

1       Page 1, delete lines 9 through 12, begin a new paragraph and insert:  
2       "SECTION 3. IC 34-6-2-71 IS AMENDED TO READ AS  
3       FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 71. (a) "Insurer", for  
4       purposes of IC 34-18, has the meaning set forth in IC 34-18-2-17.

5       (b) "Insurer", for purposes of **IC 34-31-8** and IC 34-53, has the  
6       meaning set forth in IC 27-1-2-3."

7       Page 1, after line 17, begin a new paragraph and insert:  
8       "SECTION 5. IC 34-6-2-142.8 IS ADDED TO THE INDIANA  
9       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
10      [EFFECTIVE JULY 1, 2009]: **Sec. 142.8. "Successor corporation",**  
11      **for purposes of IC 34-31-8, has the meaning set forth in**  
12      **IC 34-31-8-5."**

13      Page 2, line 5, delete "IC 34-31-8-5." and insert "**IC 34-31-8-6.**"

14      Page 2, delete lines 38 through 42, begin a new paragraph and  
15      insert:

16      **"Sec. 3. As used in this chapter, "insurer" has the meaning set**  
17      **forth in IC 27-1-2-3."**

18      Page 3, delete lines 1 through 18.

19      Page 3, between lines 26 and 27, begin a new paragraph and insert:

20      **"Sec. 5. As used in this chapter, "successor corporation" means**  
21      **a corporation that:**

22              **(1) assumes;**

23              **(2) incurs;**

1           (3) has assumed; or  
 2           (4) has incurred;  
 3       **successor asbestos related liability.**  
 4           **(b) The term includes a corporation into which a successor**  
 5       **corporation is at any time subsequently merged or consolidated.**  
 6           **(c) The term does not include a corporation that continues in the**  
 7       **business of:**  
 8           **(1) mining asbestos;**  
 9           **(2) selling or distributing asbestos fibers; or**  
 10          **(3) manufacturing, distributing, removing, or installing**  
 11          **asbestos containing products that are the same, or**  
 12          **substantially the same, as those products previously**  
 13          **manufactured, distributed, removed, or installed by the**  
 14          **transferor corporation;**  
 15       **after a merger or consolidation of the corporation or after the**  
 16       **corporation exercises control or owns stock of the corporation**  
 17       **before the merger or consolidation."**  
 18       Page 3, line 27, after "Sec." delete "5." and insert "6".  
 19       Page 3, delete lines 30 through 36.  
 20       Page 3, line 37, after "Sec." delete "8." and insert "7".  
 21       Page 3, line 39, delete "an innocent" and insert "a".  
 22       Page 3, line 42, delete "innocent".  
 23       Page 4, line 2, delete "An innocent" and insert "A".  
 24       Page 4, line 12, delete "innocent".  
 25       Page 4, line 15, delete "innocent".  
 26       Page 4, line 17, delete "innocent".  
 27       Page 4, line 21, after "Sec." delete "9." and insert "8".  
 28       Page 4, line 21, after "section" delete "8" and insert "7".  
 29       Page 4, line 22, delete "the successor asbestos related liability of an  
 30       innocent" and insert "a".  
 31       Page 4, line 23, delete "and do not apply to:" and insert "**that:**  
 32           **(1) became a successor corporation before January 1, 1972;**  
 33           **or**  
 34           **(2) is the successor of a successor corporation described in**  
 35           **subdivision (1).**  
 36       **Sec. 9. The limitations set forth in section 7 of this chapter do**  
 37       **not apply to:"**  
 38       Page 4, line 30, delete "or".  
 39       Page 4, line 31, after "agreement" delete "." and insert "; **or**  
 40           **(5) an insurer."**  
 41       Page 4, line 32, delete "An innocent" and insert "A".  
 42       Page 4, line 35, after "section" delete "8" and insert "7".  
 43       Page 5, line 11, delete "self insured" and insert "**self-insured**".  
 44       Page 5, line 25, delete "an innocent" and insert "a".  
 45       Page 6, line 1, delete "innocent".  
 46       Re-number all SECTIONS consecutively.

(Reference is to ESB 469 as printed March 13, 2009.)

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Representative Tyler